I certify this to be a true and correct copy of the indicated document as referred or transmitted to committee.

Chief Clerk of the House

FILED JAN 1 2 2005

David 2 Farely

H.B. No. 370

A BILL TO BE ENTITLED

1 AN ACT 2 relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses. 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 4 SECTION 1. Subsections (b) and (c), Article 45.0511, Code 5 6 of Criminal Procedure, are amended to read as follows: The judge shall require the defendant to successfully 7 complete a driving safety course approved by the Texas Education 8 Agency or a course under the motorcycle operator training and 9 safety program approved by the designated state agency under 10 Chapter 662, Transportation Code, if: 11 (1) the defendant elects driving safety course or 12 13 motorcycle operator training course dismissal under this article; 14 (2) the defendant has not completed an approved 15 driving safety course or motorcycle operator training course, as 16 appropriate, within the 12 months preceding the date of the offense; 17 18 (2-a) the defendant does not have a valid Texas 19 driver's license or permit, is a member of the United States 20 military forces serving on active duty, and has not completed a 21 driving safety course or motorcycle operator training course, as 22 appropriate, in another state within the 12 months preceding the 23 date of the offense;

24

(3) the defendant enters a plea under Article 45.021

Dord 2 from

- 1 in person or in writing of no contest or guilty on or before the
- 2 answer date on the notice to appear and:
- 3 (A) presents in person or by counsel to the court
- 4 a request to take a course; or
- 5 (B) sends to the court by certified mail, return
- 6 receipt requested, postmarked on or before the answer date on the
- 7 notice to appear, a written request to take a course;
- 8 (4) the defendant has a valid Texas driver's license or
- 9 permit or is a member of the United States military forces serving
- 10 on active duty;
- 11 (5) the defendant is charged with an offense to which
- this article applies, other than speeding 25 miles per hour or more
- 13 over the posted speed limit; and
- 14 (6) the defendant provides evidence of financial
- 15 responsibility as required by Chapter 601, Transportation Code.
- 16 (c) The court shall enter judgment on the defendant's plea
- 17 of no contest or guilty at the time the plea is made, defer
- 18 imposition of the judgment, and allow the defendant 90 days to
- 19 successfully complete the approved driving safety course or
- 20 motorcycle operator training course and present to the court:
- 21 (1) a uniform certificate of completion of the driving
- 22 safety course or a verification of completion of the motorcycle
- 23 operator training course;
- 24 (2) the defendant's driving record as maintained by
- 25 the Department of Public Safety, if any, showing that the defendant
- 26 had not completed an approved driving safety course or motorcycle
- 27 operator training course, as applicable, within the 12 months

- preceding the date of the offense; [and]
- 2 (3) an affidavit stating that the defendant was not
- 3 taking a driving safety course or motorcycle operator training
- 4 course, as applicable, under this article on the date the request to
- 5 take the course was made and had not completed such a course that is
- 6 not shown on the defendant's driving record within the 12 months
- 7 preceding the date of the offense; and
- 8 (4) if the defendant does not have a valid Texas
- 9 driver's license or permit and is a member of the United States
- 10 military forces serving on active duty, an affidavit stating that
- 11 the defendant was not taking a driving safety course or motorcycle
- 12 operator training course, as appropriate, in another state on the
- date the request to take the course was made and had not completed
- 14 such a course within the 12 months preceding the date of the
- 15 offense.
- SECTION 2. This Act takes effect September 1, 2005.

HOUSE COMMITTEE REPORTABLE -7 PM 7: 41

1st Printing

HOUSE OF REPRESENTATIVES

By: Farabee H.B. No. 370

Substitute the following for H.B. No. 370:

By: Frost C.S.H.B. No. 370

A BILL TO BE ENTITLED

1	AN ACT
2	relating to deferred disposition of certain traffic offenses by
3	certain holders of out-of-state driver's licenses.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Subsections (b) and (c), Article 45.0511, Code
6	of Criminal Procedure, are amended to read as follows:
7	(b) The judge shall require the defendant to successfully
8	complete a driving safety course approved by the Texas Education
9	Agency or a course under the motorcycle operator training and
10	safety program approved by the designated state agency under
11	Chapter 662, Transportation Code, if:
12	(1) the defendant elects driving safety course or
13	motorcycle operator training course dismissal under this article;
14	(2) the defendant:
15	(A) has not completed an approved driving safety
16	course or motorcycle operator training course, as appropriate,
17	within the 12 months preceding the date of the offense; or
18	(B) does not have a valid Texas driver's license
19	or permit, is a member of the United States military forces serving
20	on active duty, and has not completed a driving safety course or
21	motorcycle operator training course, as appropriate, in another
22	state within the 12 months preceding the date of the offense;
23	(3) the defendant enters a plea under Article 45.021

in person or in writing of no contest or guilty on or before the

24

- 1 answer date on the notice to appear and:
- 2 (A) presents in person or by counsel to the court
- 3 a request to take a course; or
- 4 (B) sends to the court by certified mail, return
- 5 receipt requested, postmarked on or before the answer date on the
- 6 notice to appear, a written request to take a course;
- 7 (4) the defendant:
- 8 (A) has a valid Texas driver's license or permit;
- 9 <u>or</u>
- 10 (B) is a member of the United States military
- 11 forces serving on active duty;
- 12 (5) the defendant is charged with an offense to which
- this article applies, other than speeding 25 miles per hour or more
- 14 over the posted speed limit; and
- 15 (6) the defendant provides evidence of financial
- 16 responsibility as required by Chapter 601, Transportation Code.
- 17 (c) The court shall enter judgment on the defendant's plea
- 18 of no contest or guilty at the time the plea is made, defer
- 19 imposition of the judgment, and allow the defendant 90 days to
- 20 successfully complete the approved driving safety course or
- 21 motorcycle operator training course and present to the court:
- 22 (1) a uniform certificate of completion of the driving
- 23 safety course or a verification of completion of the motorcycle
- 24 operator training course;
- 25 (2) the defendant's driving record as maintained by
- 26 the Department of Public Safety, if any, showing that the defendant
- 27 had not completed an approved driving safety course or motorcycle

C.S.H.B. No. 370

- 1 operator training course, as applicable, within the 12 months
- 2 preceding the date of the offense; [and]
- 3 (3) an affidavit stating that the defendant was not
- 4 taking a driving safety course or motorcycle operator training
- 5 course, as applicable, under this article on the date the request to
- 6 take the course was made and had not completed such a course that is
- 7 not shown on the defendant's driving record within the 12 months
- 8 preceding the date of the offense; and
- 9 (4) if the defendant does not have a valid Texas
- 10 driver's license or permit and is a member of the United States
- 11 military forces serving on active duty, an affidavit stating that
- 12 the defendant was not taking a driving safety course or motorcycle
- operator training course, as appropriate, in another state on the
- 14 date the request to take the course was made and had not completed
- 15 such a course within the 12 months preceding the date of the
- 16 offense.
- 17 SECTION 2. This Act takes effect September 1, 2005.

COMMITTEE REPORT

The Honorable Tom Craddick Speaker of the House of Representatives

03/21/05

Sir:				
We, your COMMITTEE ON LAW EN to whom was referred \underline{HB} back with the recommendation that if	370	have had the	e same under consider	ration and beg to report
() do pass, without amendment. () do pass, with amendment(s). (X) do pass and be not printed; a C	omplete Committee	e Substitute is recomm	nended in lieu of the or	iginal measure.
(X) yes () no A fiscal note was	s requested.			
() yes (X) no A criminal justice	policy impact stat	tement was requested	•	
() yes (χ) no An equalized ed	ucational funding i	mpact statement was i	requested.	
) yes (χ) no An actuarial ana	lysis was requeste	d.		
) yes (X) no A water develop	ment policy impact	statement was reques	sted.	
) yes ($\stackrel{\longleftarrow}{X}$) no A tax equity note	was requested.			
X) The Committee recommends that	at this measure be	sent to the Committee	on Local and Consen	t Calendars.
For Senate Measures: House Spons				
Joint Sponsors:				
Co-Sponsors:				
The measure was reported from Com	nmittee by the follow	wing vote: NAY	PNV	ABSENT
Driver, Chair	X			
Jackson, Vice-chair	X			
Burnam	A			X
Frost	X			
Hegar	X			
Hupp	X			
Veasey	X			
	i			
				i
Total aye		A.	C X	<u> </u>
O prese	ent not voting	CHAIR		

_ absent

BILL ANALYSIS

C.S.H.B. 370
By: Farabee
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Article 45.0511 of the Code of Criminal Procedure requires a defendant charged with a speeding offense or other specified traffic offense to have a valid Texas driver's license or permit, among other requirements, in order to complete a driving safety course or a course under the motorcycle operator training and safety program in lieu of paying certain traffic fines. C.S.H.B. 370 provides military personnel serving on active duty, who have not completed a driving safety course in another state within the preceding 12 months, the same rights and considerations as Texas residents, by allowing them the option of taking a driver safety course in lieu of paying a fine.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 370 amends Article 45.0511 of the Code of Criminal Procedure by adding a provision to allow a defendant without a valid Texas driver's license who is charged with an offense under this section to take a driver safety course if the defendant is a member of the United States military forces, serving on active duty, and has not completed a driver safety course or motorcycle operator-training course in another state in the previous 12 months.

The bill further amends Article 45.0511 of the Code of Criminal Procedure by requiring the court to allow a defendant who elects to take a driver safety course under this Article, does not have a valid Texas driver's license, and is a member of the United States military forces serving on active duty, 90 days to present to the court an affidavit stating that the defendant has not taken a driver safety course in the previous 12 months in another state.

The bill also makes conforming and non-substantive changes.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 370 differs from H.B. 370 by adding the word "or" to clarify that the new provisions are an alternative to the law currently in effect, which remains substantively unchanged. C.S.H.B. also makes formatting and conforming changes from the original bill.

SUMMARY OF COMMITTEE ACTION

HB 370

March 7, 2005 1:30PM or upon final adjourn./recess

Considered in public hearing
Testimony taken in committee (See attached witness list.)
Amendment(s) considered in committee
Left pending in committee

March 22, 2005

upon final adjourn./recess

Considered in formal meeting Committee substitute considered in committee Recommended to be sent to Local & Consent Reported favorably as substituted

WITNESS LIST

HB 370 **HOUSE COMMITTEE REPORT Law Enforcement Committee**

March 7, 2005 - 1:30PM or upon final adjourn./recess

For: Bresnen, Steve (USA Training, Inc.)
On: Herklotz, Mimzie (Texas DPS-Driver License Division)

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB370 by Farabee (Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge to require a defendant who does not have a valid Texas driver's license or permit, or who is serving on active duty in the U.S. military forces, and who has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state in the 12 months prior to committing an applicable traffic offense to successfully complete an appropriately approved driving safety course within 90 days. The bill would take effect September 1, 2005.

Current statute does not specifically address whether a person with an out-of-state driver's license or who is serving on active duty in the U.S. military service is eligible to take a driving or motorcycle safety training course when cited for certain applicable traffic offenses.

Local Government Impact

If certain defendants under current statute that cannot take a driving safety course in lieu of paying a traffic fine would be allowed to take a course, there could be a reduction in traffic revenue to the county.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

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The bill would amend the Code of Criminal Procedure to authorize a judge to require a defendant who does not have a valid Texas driver's license or permit, or who is serving on active duty in the U.S. military forces, and who has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state in the 12 months prior to committing an applicable traffic offense to successfully complete an appropriately approved driving safety course within 90 days. The bill would take effect September 1, 2005.

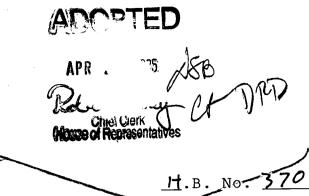
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Source Agencies:



By: Farahr

Substitute the following for H.B. No. 370:

By: Frost

c.s.<u>H</u>.B. No. 37

A BILL TO BE ENTITLED

1 AN ACT

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♠ BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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- (b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:
- 12 (1) the defendant elects driving safety course or 13 motorcycle operator training course dismissal under this article;
- 14 (2) the defendant:
 - (A) has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; or
 - (B) does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense;
- 23 (3) the defendant enters a plea under Article 45.021 24 in person or in writing of no contest or guilty on or before the

6. 6. 8. Al

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1	answer	date	Φ'n	the	notice	to	appear	and:

- 2 (A) presents in person or by counsel to the court
- 3 a request to take a course; or
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- 9 <u>or</u>
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- 13 this article applies, other than speeding 25 miles per hour or more
- 14 over the posted speed limit; and
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- 16 responsibility as required by Chapter 601, Transportation Code.
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- 26 the Department of Public Safety, if any, showing that the defendant
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HOUSE ENGROSSMENT

By: Farabee

1

H.B. No. 370

A BILL TO BE ENTITLED

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Source Agencies:



Farabee (Senate Sponsor - Madla) H.B. No. 370 1-1 By: (In the Senate - Received from the House April 25, 2005; April 26, 2005, read first time and referred to Committee on 1-2 1-3 Transportation and Homeland Security; May 20, 2005, reported 1-4 favorably by the following vote: Yeas 8, Nays 0; May 20, 2005, sent 1-5 1-6 to printer.) 1-7 A BILL TO BE ENTITLED 1-8 AN ACT relating to deferred disposition of certain traffic offenses by 1-9 certain holders of out-of-state driver's licenses. 1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 1-11 1-12 SECTION 1. Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, are amended to read as follows: 1-13 (b) The judge shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under 1-14 1-15 1 - 161-17 Chapter 662, Transportation Code, if: 1-18 the defendant elects driving safety course or (1)1-19 motorcycle operator training course dismissal under this article; 1-20 1-21 1-22 (2) the defendant: has not completed an approved driving safety <u>(A</u>) course or motorcycle operator training course, as appropriate, 1-23 within the 12 months preceding the date of the offense; or 1-24 (B) does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within the 12 months preceding the date of the offense; 1-25 1-26 1-27 1-28 1-29 the defendant enters a plea under Article 45.021 1-30 in person or in writing of no contest or guilty on or before the 1-31 1-32 1-33 answer date on the notice to appear and: presents in person or by counsel to the court (A) 1-34 a request to take a course; or 1-35 (B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the 1-36 notice to appear, a written request to take a course; 1-37 1-38 (4)the defendant: 1-39 has a valid Texas driver's license or permit; (A) 1-40 or is a member of the United States military 1-41 (B) forces serving on active duty; 1-42 (5) the defendant is charged with an offense to which 1 - 43this article applies, other than speeding 25 miles per hour or more over the posted speed limit; and 1 - 441-45 provides evidence 1 - 46(6) the defendant of financial responsibility as required by Chapter 601, Transportation Code. 1-47 (c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to 1-48 1 - 491-50 successfully complete the approved driving safety course 1-51 1-52 motorcycle operator training course and present to the court: 1-53 1-54 a uniform certificate of completion of the driving (1)safety course or a verification of completion of the motorcycle 1-55 operator training course; the defendant's driving record as maintained by 1-56 the Department of Public Safety, if any, showing that the defendant had not completed an approved driving safety course or motorcycle 1-57 1-58 operator training course, as applicable, within the 12 months 1 - 59preceding the date of the offense; [and] 1-60 (3) an affidavit stating that the defendant was not

taking a driving safety course or motorcycle operator training

course, as applicable, under this article on the date the request to

take the course was made and had not completed such a course that is

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H.B. No. 370

not shown on the defendant's driving record within the 12 months 2-1

preceding the date of the offense; and 2-2 2-3

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2-11

(4) if the defendant does not have a valid Texas driver's license or permit and is a member of the United States military forces serving on active duty, an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

SECTION 2. This Act takes effect September 1, 2005.

* * * * * 2-12

FAVORABLE SENATE COMMITTEE REPORT ON

SB SCR SJR SR (HB) HCR HJR 370

By Fall box Mad A

(Author/Senate Sponsor)

May 20,2005

TRANSPORT	CATION A	ND HOMELAND	
We, your Committee on	SECURI'	TY	, to which was referred the attached measure
have on May 18,200 5 (date of hearing)	, ,	had the same under	consideration and I am instructed to report in
back with the recommendation (s) that			
do pass and be printed do pass and be printed			
() do pass and be ordered not printed			
\mathcal{O} and is recommended for placement of	on the Loca	l and Uncontested B	ills Calendar.
A fiscal note was requested.	⇔ yes	() no	
A revised fiscal note was requested.	() yes	6X no	
An actuarial analysis was requested.	() yes	<u> no</u>	
Considered by subcommittee.	() yes	() no	

	YEA	NAY	ABSENT	PNV
Senator Staples, Chairman		1		
Senator Barrientos, Vice-Chairman	N/			
Senator Brimer	7			
Senator Ellis	2			
Senator Lindsay	X			
Senator Madla			N N	
Senator Shapiro	×			
Senator Shapleigh	iV.			
Senator Wentworth	O.			
TOTAL VOTES	6			
		1	1 3	

COMMITTEE ACTION

S260	Considered in public hearing
S270	Testimony taken
_	

Paper clip the original and one copy of this signed form to the original bill Retain one copy of this form for Committee files

The measure was reported from Committee by the following vote:

BILL ANALYSIS

Senate Research Center 79R10062 JRJ-D

H.B. 370 By: Farabee (Madla) Transportation & Homeland Security 5/10/2005 Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, Article 45.0511, Code of Criminal Procedure requires a defendant charged with a speeding offense or other specified traffic offense to have a valid Texas driver's license or permit, among other requirements, in order to complete a driving safety course or a course under the motorcycle operator training and safety program in lieu of paying certain traffic fines. H.B. 370 provides military personnel serving on active duty, who have not completed a driving safety course in another state within the preceding 12 months, the same rights and considerations as Texas residents, by allowing them the option of taking a driver safety course in lieu of paying a fine.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsections (b) and (c), Article 45.0511, Code of Criminal Procedure, as follows:

- (b) Requires the judge to require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 622 (Motorcycle and Operating and Training Safety), Transportation Code, if the defendant does not have a valid Texas driver's license or permit, is a member of the United States military forces serving on active duty, and has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state within 12 months preceding the date of the offense, and is the defendant is a member of the United States military forces serving on active duty. Makes nonsubstantive changes.
- (c) Requires the court to enter judgment on the defendant's plea of no contest or guilty at the time the defendant $\mathfrak D$ days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court if the defendant does not have a valid Texas driver's license or permit and is a member of the United States military forces serving on active duty, an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as appropriate, in another state on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2005.

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 16, 2005

TO: Honorable Todd Staples, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB370 by Farabee (Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.), As Engrossed

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge to require a defendant who does not have a valid Texas driver's license or permit, or who is serving on active duty in the U.S. military forces, and who has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state in the 12 months prior to committing an applicable traffic offense to successfully complete an appropriately approved driving safety course within 90 days. The bill would take effect September 1, 2005.

Current statute does not specifically address whether a person with an out-of-state driver's license or who is serving on active duty in the U.S. military service is eligible to take a driving or motorcycle safety training course when cited for certain applicable traffic offenses.

Local Government Impact

If certain defendants under current statute that cannot take a driving safety course in lieu of paying a traffic fine would be allowed to take a course, there could be a reduction in traffic revenue to the county.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB370 by Farabee (Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.), Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge to require a defendant who does not have a valid Texas driver's license or permit, or who is serving on active duty in the U.S. military forces, and who has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state in the 12 months prior to committing an applicable traffic offense to successfully complete an appropriately approved driving safety course within 90 days. The bill would take effect September 1, 2005.

Current statute does not specifically address whether a person with an out-of-state driver's license or who is serving on active duty in the U.S. military service is eligible to take a driving or motorcycle safety training course when cited for certain applicable traffic offenses.

Local Government Impact

If certain defendants under current statute that cannot take a driving safety course in lieu of paying a traffic fine would be allowed to take a course, there could be a reduction in traffic revenue to the county.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

February 24, 2005

TO: Honorable Joe Driver, Chair, House Committee on Law Enforcement

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB370 by Farabee (Relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.), As Introduced

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a judge to require a defendant who does not have a valid Texas driver's license or permit, or who is serving on active duty in the U.S. military forces, and who has not completed a driving safety course or motorcycle operator training course, as appropriate, in another state in the 12 months prior to committing an applicable traffic offense to successfully complete an appropriately approved driving safety course within 90 days. The bill would take effect September 1, 2005.

Current statute does not specifically address whether a person with an out-of-state driver's license or who is serving on active duty in the U.S. military service is eligible to take a driving or motorcycle safety training course when cited for certain applicable traffic offenses.

Local Government Impact

If certain defendants under current statute cannot take a driving safety course in lieu of paying a traffic fine would be allowed to take a course, there could be a reduction in traffic revenue to the county.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 370, by Facable / Mad H

(Bill No.), by Facable / Mad H

(Author/Sponsor)

was heard by the Committee on Transportation: Howeland Security on May 18
2005,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A **COMMITTEE PRINTED VERSION** OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.

ENROLLED

H.B. No. 370

2	relating to deferred disposition of certain traffic offenses by
3	certain holders of out-of-state driver's licenses.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Subsections (b) and (c), Article 45.0511, Code
6	of Criminal Procedure, are amended to read as follows:
7	(b) The judge shall require the defendant to successfully
8	complete a driving safety course approved by the Texas Education
9	Agency or a course under the motorcycle operator training and
10	safety program approved by the designated state agency under
11	Chapter 662, Transportation Code, if:
12	(1) the defendant elects driving safety course or
13	motorcycle operator training course dismissal under this article;
14	(2) the defendant:
15	(A) has not completed an approved driving safety
16	course or motorcycle operator training course, as appropriate,
17	within the 12 months preceding the date of the offense; or
18	(B) does not have a valid Texas driver's license
19	or permit, is a member of the United States military forces serving
20	on active duty, and has not completed a driving safety course or
21	motorcycle operator training course, as appropriate, in another
22	state within the 12 months preceding the date of the offense;
23	(3) the defendant enters a plea under Article 45.021
24	in person or in writing of no contest or guilty on or before the

AN ACT

1

- 1 answer date on the notice to appear and:
- 2 (A) presents in person or by counsel to the court
- 3 a request to take a course; or
- 4 (B) sends to the court by certified mail, return
- 5 receipt requested, postmarked on or before the answer date on the
- 6 notice to appear, a written request to take a course;
- 7 (4) the defendant:
- 8 (A) has a valid Texas driver's license or permit;
- 9 or
- 10 (B) is a member of the United States military
- 11 forces serving on active duty;
- 12 (5) the defendant is charged with an offense to which
- this article applies, other than speeding 25 miles per hour or more
- 14 over the posted speed limit; and
- 15 (6) the defendant provides evidence of financial
- 16 responsibility as required by Chapter 601, Transportation Code.
- 17 (c) The court shall enter judgment on the defendant's plea
- 18 of no contest or guilty at the time the plea is made, defer
- 19 imposition of the judgment, and allow the defendant 90 days to
- 20 successfully complete the approved driving safety course or
- 21 motorcycle operator training course and present to the court:
- 22 (1) a uniform certificate of completion of the driving
- 23 safety course or a verification of completion of the motorcycle
- 24 operator training course;
- 25 (2) the defendant's driving record as maintained by
- the Department of Public Safety, if any, showing that the defendant
- 27 had not completed an approved driving safety course or motorcycle

H.B. No. 370

- 1 operator training course, as applicable, within the 12 months
- preceding the date of the offense; [and]
- 3 (3) an affidavit stating that the defendant was not
- 4 taking a driving safety course or motorcycle operator training
- 5 course, as applicable, under this article on the date the request to
- 6 take the course was made and had not completed such a course that is
- 7 not shown on the defendant's driving record within the 12 months
- 8 preceding the date of the offense; and
- 9 (4) if the defendant does not have a valid Texas
- 10 driver's license or permit and is a member of the United States
- 11 military forces serving on active duty, an affidavit stating that
- 12 the defendant was not taking a driving safety course or motorcycle
- operator training course, as appropriate, in another state on the
- 14 date the request to take the course was made and had not completed
- 15 such a course within the 12 months preceding the date of the
- 16 <u>offense</u>.
- 17 SECTION 2. This Act takes effect September 1, 2005.

Preside	ent of the Senate		Speaker of the House
I cer	tify that H.B. No	. 370 was	passed by the House on April
22, 2005, by	y a non-record vote	e.	·
			Chief Clerk of the House
I cer	tify that H.B. No	. 370 was	passed by the Senate on May
25, 2005, by	y the following vot	te: Yeas	31, Nays 0.
			Secretary of the Senate
APPROVED:			
	Date		
,	Governor		

	Preside	nt of the S	enate		Speaker of the House
on _	I cer	pril 22	.B. No.	<u>370</u> (1)	was passed by the House 2005, by a non-record vote.
					Chief Clerk of the House
on _		May 25 (3)			was passed by the Senate 2005, by the following vote:
Yeas	$s \frac{31}{(4)}$	Nays <u>O</u>			(5)
	·				Secretary of the Senate
APP	ROVED:				
		Dat	e	<u> </u>	
		Gove	nor		

Preparation:

н.в. _{No.} 370

A BILL TO BE ENTITLED

By Fanh

relating to deferred disposition of certain traffic offenses by certain holders of out-of-state driver's licenses.

JAN 1 2 2005	Filed with the Chief Clerk				
FEB 0 3 2005	Read first time and referred	to Committee on		Law Enforceme	ent
MAR 2 2 2005	Reported favorably (_			
APR 0 8 2005	(as	substituted)			
APR 2 2 2005	Read second time (comm. s		passed to third rea		cord vote)
	Constitutional rule requiring				spend)
APR 2 2 2005	by a vote ofy Read third time (amonded); (accord vote of	eas,r	nays,	present, not voting	
	Engrossed		1		
APR 2 5 2005	Sent to Senate			Kobert Han	W WOUSE
OTHER HOUSE ACTIO	N:			CHIEF CLERK OF THE	HOUSE
ADD 0.5 cons					·
APR 2 5 2005 APR 2 6 2005	Received from the House	•		V & HOMELAND COCHDITY	
MAY 2 0 2005	Read and referred to Comm			•	_
	Reported favorably Reported adversely, with fa Ordered not printed				 t time
MAY 2 5 2005	Laid before the Senate				
	Senate and Constitutional I	Rules to permit con	sideration suspend		ent) nays)
MAY 2 5 2005	Read second time,		_, and passed to (third reading by (unanime (a viva v	ons consent)
MAY 2 5 2005	_ Senate and Constitutional 3	B Day Rules suspen	ded by a vote of	<i>3</i> / yeas, <u> </u>	nys
MAY 2 5 2005	Read third time,		, and passed by	· .	P
MAY 2 5 2005	_ Returned to the House		Aa-	secretary of the	SENATE
OTHER SENATE ACTI	ON:			SECRETARY OF THE	OBNALL

MAI 2 9 2003	(with amendments)
	House concurred in Senate amendments by a (non-record vote) (record vote of yeas, nays, present, not voting)
	House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of
	House conferees appointed:, Chair;,
	Senate granted House request. Senate conferees appointed:, Chair;
	Conference committee report adopted (rejected) by the House by a (non-record vote) (record vote of yeas, nays, present, not voting)
20000	Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of yeas, nays)

OS APR -7 PN 7: 41
HOUSE OF REPRESENTATIVES